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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Miguel Angel GARCIA-Duarte,** Defendant	Magistrate Docket No. '07 MJ 2671 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 13, 2007,** within the Southern District of California, defendant, **Miguel Angel GARCIA-Duarte,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF **NOVEMBER, 2007.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Miguel Angel GARCIA-Duarte

PROBABLE CAUSE STATEMENT

On November 13, 2007, Border Patrol Agent M. Saclarides was performing his assigned duties in the Campo Border Patrol Station area of operations. At approximately 6:00 p.m. Agent Saclarides responded to an area known as "Browns Pines". This area is approximately 18 miles east of the Tecate, California Port of Entry. This area is known for the illegal crossing of illegal immigrants and smugglers into the United States. An infrared scope was able to observe four individuals crossing the United States/Mexico international border fence.

At approximately 6:10 p.m. Agent Saclarides was able to locate fresh footprints in the same area for individuals heading north from a road. Agent Saclarides followed the footprints on foot for approximately thirty-five minutes. At approximately 6:45 p.m., Agent Saclarides encountered four individuals attempting to hide under some thick brush. Agent Saclarides approached the individuals and identified himself as a U.S. Border Patrol Agent. Agent Saclarides questioned each subject including one later identified as the defendant **Miguel Angel GARCIA-Duarte** as to their citizenship and immigration status. All individuals including the defendant freely admitted to being citizens and nationals of Mexico, and in the United States illegally, without proper documents to enter or reside within.

The defendant and the other individuals were arrested and transported to the Campo Border Patrol Station for further interview and processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 11, 2007,** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.